In re Application of:

Albani et al.

Application No.: 10/001,938 Filed: October 31, 2001

Page 3

PATENT Attorney Docket No.: UCSD1360-1

REMARKS

Claims 57-59, 62-66 and 74 were pending prior to this Response. Claims 57, 59, 62, 63 and 66 have been deemed allowable (Office Action, page 7). By the present communication, no claims have been added or amended, and claims 58, 64 and 65 have been canceled without prejudice. The amendment does not raise any new issues requiring further consideration or search. Accordingly, claims 57, 59, 62, 63 and 66 are currently pending in this application.

Rejection Under 35 U.S.C. § 101

Applicants respectfully traverse the rejection of claims 64 and 65 under 35 U.S.C. §101 as allegedly not being supported by either a specific and substantial asserted utility or a well established utility. Without acquiescing to the reasoning offered by the Office, and in order to expedite prosecution of the instant application, Applicants have canceled claims 64 and 65, rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Applicants respectfully traverse the rejection of claims 64 and 65 under 35 U.S.C. §112, first paragraph, as allegedly not being supported by either a specific and substantial asserted utility or a well established utility. Without acquiescing to the reasoning offered by the Office, and in order to expedite prosecution of the instant application, Applicants have canceled claims 64 and 65, rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants respectfully traverse the rejection of amended claim 58 under 35 U.S.C. §112, first paragraph, as allegedly being new matter. Without acquiescing to the reasoning offered by the Office, and in order to expedite prosecution of the instant application, Applicants have canceled claim 58, rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

In re Application of:

Albani et al.

Application No.: 10/001,938

Filed: October 31, 2001

Page 4

Rejection Under 35 U.S.C. § 112, Second Paragraph

Applicants respectfully traverse the rejection of claim 58 under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without acquiescing to the reasoning offered by the Office, and in order to expedite prosecution of the instant application, Applicants have canceled claim 58, rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

PATENT

Attorney Docket No.: UCSD1360-1

In re Application of:

Albani et al.

Application No.: 10/001,938 Filed: October 31, 2001

Page 5

Conclusion

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Check number 585980 in the amount of \$760.00 is enclosed as payment for the Petition for Three-Month Extension of Time fee (\$510.00) and Notice of Appeal fee (\$250.00). No other fee is deemed necessary with the filing of this response. However if any fees are due, the Commissioner is hereby authorized to charge any fees, or make any credits, to Deposit Account No. <u>07-1896</u> referencing the above-identified attorney docket number. A copy of the Transmittal sheet is enclosed.

Respectfully submitted,

PATENT

Attorney Docket No.: UCSD1360-1

Date: June 5, 2007

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